

Senate File 2008 - Introduced

SENATE FILE 2008

BY SODDERS

A BILL FOR

1 An Act relating to the issuance of a citation to a parent or
2 guardian for failure to use child restraint devices in a
3 motor vehicle, and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.446, subsection 4, Code 2014, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *0c.* If a child under fourteen years of age,
4 or a child fourteen years of age or older who is unable to
5 fasten a seatbelt due to a temporary or permanent disability,
6 is transported in a manner that is not in compliance with
7 subsection 1 or 2, a parent or legal guardian traveling in
8 the vehicle with the child may be served with a citation for
9 a violation of this section in lieu of or in addition to the
10 operator.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill provides that the parent or legal guardian of
15 a child may be charged with a violation of child restraint
16 requirements if the parent or guardian is a passenger in
17 the same vehicle as the child and the child is not properly
18 restrained. A citation may be issued to the parent or guardian
19 whether or not the driver is also cited. The bill applies if
20 the child is under 14 years of age or if the child is 14 years
21 of age or older and is unable to fasten a seatbelt due to a
22 temporary or permanent disability.

23 Under current law, when child restraint requirements
24 are violated, a citation may be issued to the driver of the
25 vehicle, or, if the child is 14 years of age or older and
26 able to fasten a seatbelt, a citation may be issued to either
27 the child or the driver, or both. If the child is being
28 transported in a taxicab, a citation is issued to the parent,
29 guardian, or other responsible adult traveling with the child,
30 or to the child if the child is 14 years of age or older and
31 able to fasten a seatbelt, rather than to the taxicab operator.

32 A violation of child restrain requirements is a simple
33 misdemeanor punishable by a scheduled fine of \$100. However, a
34 violation of child restraint requirements may not be considered
35 by the department of transportation for purposes of driver's

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1 license suspension or determining habitual violator status.